

**DETAILED ACTION**

The amendment filed 5/26/2010 under 37 CFR 1.116 in reply to the final rejection has been entered.

***Election/Restrictions***

Claim 7 is allowable. The restriction requirement between Group II and Group I, as set forth in the Office action mailed on 5/14/2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 1-4, directed to a method of using a cultured cell to obtain a disease-associated gene remain withdrawn from further consideration because they do not all require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

This application is in condition for allowance except for the presence of claims 1-4, 9, 15-22 and 31-38 directed to inventions non-elected without traverse. Accordingly, claims 1-4, 9, 15-22 and 31-38 have been cancelled.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The title has been changed to the following;

Runx2/Cbf $\alpha$ 1- and p53-deficient chondrocyte cell line

In the specification:

At page 1, above the section titled "Technical Field", the following paragraph has been added:

This application is a national stage entry under 35 U.S.C. § 371 of PCT international application number PCT/JP04/15879, filed 10/20/2004.

In the claims:

1.-4. (Cancelled)

9. (Cancelled)

15.-22. (Cancelled)

31.-38. (Cancelled)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is (571)272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer Dunston/  
Primary Examiner  
Art Unit 1636